19.46. K File No. A. G. R. Misc/46

Examined K Legal DEPARTMENT Part II

E BRANCH

5-5-47

Subject:—

Miscellaneous agreements

Scrutiny of —

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SOLICITOR TO GOVERNMENT
LEGAL DEPARTMENT
Dte No. 653
Mtl No.
Dated 16/5
Entered 15/5

L. D.
1 0 MAY 1946
51

Alnavar-Dandeli Railway Working Agreement :
Modification in clauses 4 (2) and (3) of the

GOVERNMENT OF BOMBAY.

PUBLIC WORKS DEPARTMENT.

Resolution No. 241/36.

Bombay Castle, 30th April 1946.

Letter from the Government of India, Railway Department (Railway Board), No. F. (2)-45-CNT-2(1), dated the 2nd August 1945 :—

"I am directed to invite a reference to clause 4 of the memo. of terms, dated the 26th July 1928, for the working of the Alnavar-Dandeli Railway, which *inter alia* provides that the M. & S. M. Railway shall work and maintain the Alnavar-Dandeli Railway on the understanding that the Government of Bombay undertake to reimburse to the M. & S. M. Railway the cost of operation and maintenance as nearly as they can be calculated from time to time. The General Manager, M. & S. M. Railway, has represented that under the present conditions the charges referred to in sub-clauses (2) and (3) of clause 4 of the memo. of terms require revision. In this connection, I am to enclose a statement showing the actual expenditure per train-mile under abstracts B, C, E, F, G and H for the three years 1941-42 to 1943-44. It will be seen that there is a large increase due to increase in scales of pay, Dearness Allowance and loss in Grain Shops. During the year 1944-45 the loss on Grain Shops on the Metre-Gauge of the M. & S. M. Railway was three times that incurred in the previous year.

"2. In the circumstances, the Railway Board consider that from 1st April 1944 the charges referred to in clause 4 (2) of the memo. of terms, should be based on the actuals of the previous year and an adjustment to the actuals of the year be made in the following year.

"3. Similarly the lump sum amount of Rs. 250 fixed in clause 4 (3) relating to the share of joint station expenses should also be raised to Rs. 300.

"4. The revised method of arriving at the working expenses of the Alnavar-Dandeli Railway will remain in force for the duration of war and one year thereafter when the position will be reviewed in the light of the conditions then prevailing. The Railway Board will be glad, if you will kindly obtain and communicate the acceptance of your Government to the above proposals early."

Government Letter No. 241/36-Ry., dated the 29th November 1945, to the Secretary, Railway Board :—

"With reference to your letter No. F. (2)-45-CNT-2(1), dated the 2nd August 1945, I am directed to state that the Government of Bombay accepts the proposals made therein subject to the proviso that as the past payments were at fixed rates, any revised arrangement should take effect only from the expiry of the half year succeeding the one in which notice of revision was given, as per clause 1 (2) of the agreement for working the Alnavar-Dandeli Railway."

Letter from the Government of India, Railway Department (Railway Board), No. F. (2)-45-CNT-2(1), dated the 22nd December 1945 :—

"I am directed to refer to your letter No. 241/36-Ry., dated the 29th November 1945, and to state that the Railway Board appreciated that the Government of Bombay are agreeable to the proposed revision of the method of arriving at the working expenses of the Alnavar-Dandeli Railway. They, however, regret that they are unable to agree to the suggestion that it should take effect from the expiry of the half year succeeding the one in which notice of revision was given. As has already been explained, the proposed revision was intended to cover the increase in working expenses which rose considerably during the war years. It will, also, be observed from the statement enclosed with the Railway Board's letter of the 2nd August 1945, that the increase manifested itself from the year 1942-43. In the circumstances, it will be appreciated that the object of the revision will be partially defeated if it is given effect to from a date later than 1st April 1944. As under the concluding portion of clause 1 (2) of the memo. of terms a change in the terms of working the Alnavar-Dandeli Railway can be made at any time, by mutual consent, I am to express the hope that the Government of Bombay will, on reconsideration, agree to the proposed revision taking effect from the 1st April, 1944, as already suggested."

Government Letter No. 241/36-Ry., dated the 17th January 1946, to the Secretary, Railway Board :—

"With reference to your letter No. F. (2)-45-CNT-2(1), dated the 22nd December 1945, I am directed to state that the Government of Bombay regrets it is unable to agree to the Railway Board's proposal that the revision of the method of arriving at the working expenses of the Alnavar-Dandeli Railway should take effect from the 1st April 1944 as it considers that in previous years, the Railway operated at considerable profit owing to the fixed rates being more than adequate. The Government of Bombay has however no objection to bringing the revised arrangement into effect from the 1st April 1945, i.e., from the current financial year."

Letter from the General Manager, Madras and Southern Mahratta Railway, No. W. 6611-X/717, dated the 7th March 1946 :—

" With reference to your letter No. 241/36-Ry. of the 17th January 1946, I forward two copies of the Draft Correction Slip No. 4 to clauses 4 (2) and (3) of the Alnavar-Dandeli Railway Working Agreement and shall be glad if you will kindly arrange to return one copy thereof duly approved."

RESOLUTION.—The following correction slip No. 4 to clauses 4 (2) and (3) of the Alnavar-Dandeli Railway Working Agreement (printed as an accompaniment to Government Resolution, No. 1646, dated the 2nd November 1927) proposed by the General Manager, Madras and Southern Mahratta Railway, is approved and should accordingly issue :—

Delete sub-clauses (2) and (3) of clause 4 of the above agreement and substitute the following :—

" Clause 4 (2) : As regards the expenditure under the heads of Account in Abstracts B, C, E, F, G and H, a charge shall be made at an agreed rate per train-mile for mileage run over the Alnavar-Dandeli Railway and at an agreed rate per mile for light-engine mileage run between Hubli and Alnavar for the purposes of the Alnavar-Dandeli Railway, no charges being made for miscellaneous mileage run in assisting and shunting services. The agreed rate will be provisionally based on the actuals of the previous year and an adjustment to the actuals of the year made in the following year."

(3) A lump sum half-yearly payment of Rs. 300 to meet the share of Joint Station Expenses.

Note.—The revised method of arriving at the working expenses of the Alnavar-Dandeli Railway will remain in force for the duration of war and one year thereafter, when the position will be reviewed in the light of conditions then prevailing.

(This takes effect from 1st April 1945.)

2. The Secretary to Government, Public Works Department (Irrigation), should be authorised to sign the correction slip in duplicate and the correction slip should then be forwarded to the General Manager, Madras and Southern Mahratta Railway, with a request that one copy thereof duly signed by him should be returned to this Government.

By order of the Governor of Bombay,

G. N. PANDIT,
Deputy Secretary to Government.

G. R. No. 241/36, P. W. D., dated the 30th April 1946.

To

The Finance Department.
The Revenue Department.
The Commissioner, Southern Division.
The Chief Conservator of Forests.
The Conservator of Forests, Southern Circle.
The Collector of Kanara.
The Remembrancer of Legal Affairs.
The Financial Adviser and Chief Accounts Officer, Madras and Southern Mahrat Railway.
The General Manager, Madras and Southern Mahratta Railway (with two copies correction slip).
The Accountant General, Bombay.

No. of 1946.

Copy forwarded for information and guidance to

Submitted
File in Agn Misc
6/5/16/5

Agn. Misc/46
23/5/46